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Return or restitution of cultural property to the countries of origin

Return or restitution of cultural property to the countries of origin

Report of the Secretary-General

1. The question of restitution of works of art to countries that are victims of appropriation was first considered by the General Assembly at its twenty-eighth session, in 1973, at the request of Zaire.[1] By its resolution 52/24 of 25 November 1997, the Assembly, *inter alia*, requested the Secretary-General, in cooperation with the Director-General of the United Nations Educational, Scientific and Cultural Organization (UNESCO), to submit to the Assembly, at its fifty-fourth session, a report on the implementation of the resolution.

2. The attached report, transmitted to the Secretary-General by the Director-General of UNESCO, is submitted pursuant to the above request.

Notes

[1] *Official Records of the General Assembly, Twenty-eighth Session, Annexes*, agenda item 110, document A/9199.

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Annex

Report of the Director-General of the United Nations Educational, Scientific and Cultural Organization on the action taken by the organization on the return and restitution of cultural property to the countries of origin

1. Since the previous report by the Director-General (A/52/211, annex), the United Nations Educational, Scientific and Cultural Organization (UNESCO) has continued to promote the return or restitution of cultural property to its countries of origin. It has, in particular, endeavoured to implement the recommendations adopted by the Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation at its ninth session which was held in Paris from 16 to 19 September 1996. Those recommendations were based on progress made since the first session of the Committee held in 1980. The present report describes the measures taken to follow up the recommendations adopted by the Committee at its ninth session, as well as the work of the Committee at its tenth session, which was held from 25 to 28 January 1999.

2. In accordance with resolution 28 C/22 adopted by the General Conference at its twenty-eighth session (Paris, October/November 1995), membership on the Committee was increased from 20 to 22 member States; these are currently: Algeria, Azerbaijan, Benin, Bolivia, Cameroon, Canada, China, Cuba, Ethiopia, India, Italy, Jamaica, Libyan Arab Jamahiriya, Madagascar, Myanmar, Nepal, Netherlands, Panama, Republic of Korea, Slovakia, Togo and Ukraine.

I. Introduction

1. The tenth session of the Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation was held in Paris from 25 to 28 January 1999. Twenty of the 22 member States of the Committee were in attendance. Sixty-one States members of UNESCO, not members of the Committee, participated as observers, as did two States not members of the organization, five intergovernmental organizations and two non-governmental organizations. In total, some 140 participants were present.

II. Opening of the session

2. The opening statement was made by the Assistant Director-General for Culture, Hernán Crespo-Toral, who recalled the 21st anniversary of the Committee and announced the upcoming celebration of the 30th anniversary of the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (signed at Paris, 14 November 1970) in the year 2000.

3. He also pointed out the entry into force as of 1 July 1998 of the UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects (signed at Rome, 24 June 1995), the widening of international cooperation, the voluntary restitution of cultural property to its countries of origin, the increasing use of international databases and the importance of the Draft Convention on the protection of the underwater cultural heritage as a means of combating the looting of shipwrecks. Finally, he pointed out that illegal trafficking was a major concern for UNESCO and the Committee and that it was important to make young people aware of the value of their heritage. In that context, an international poster and logo competition had been organized in cooperation with the Savannah College of Art and Design (Georgia, United States of America).

III. Election of the Bureau

4. Mr. Walden (Canada) was elected Chairperson of the Committee. A rapporteur, Mr. Elghaly (Libyan Arab Jamahiriya) and four vice-presidents (Cuba, India, Italy and Ukraine) were also elected.

IV. Adoption of the agenda

5. The agenda items "Modification of the membership of the Committee" and "Property displaced at the end of the Second World War" were moved to the end of the agenda.

V. Presentation of work undertaken by the Secretariat

6. The Secretariat then described the activities of UNESCO in the areas of combating the illicit traffic in cultural property and cooperation for the restitution of that property. In the area of cooperation for restitution, the principal actions were the visit by the Chairman of the Committee to the United Kingdom in connection with the request concerning the Parthenon marbles (Greece/United Kingdom) currently in the possession of the British Museum, and the attempt to reach an agreement concerning the sphinx of Boguskoy (Turkey/Germany) currently in the Staatliches Museum in Berlin, Vorderasiatische Abteilung (National Museum of Berlin, Asiatic collection). It also noted the official ceremony held in Nantes on 23 April 1998 during which pre-Colombian statues stolen from the San Augustín site, a designated world heritage site, were returned to Colombia. Two of the statues had been mentioned in a "stolen objects" bulletin prepared by UNESCO as well as in the International Council of Museums (ICOM) publication "One Hundred Missing Objects in Latin America". The seizure of the ancient Coroma fabrics and their restitution to Bolivia after a judicial decision in Canada should also be mentioned.

7. In the context of the fight against illegal trafficking, the following were mentioned: the publication of eight stolen object bulletins, the holding of meetings concerning computerized databases on stolen or missing cultural property with a view to developing cooperation and the exchange of information related to those objects, the international poster and logo competition undertaken in cooperation with the Savannah College of Art and Design (United States) to promote the Convention of 1970, the "Object-ID" international standard intended to simplify and rationalize the description of art objects and antiques with a view to facilitating their recovery in case of theft, and the ICOM publications *One Hundred Missing Objects* on illegal trafficking in Angkor, Africa and Latin America, which had contributed to the return of many objects, for example the restitution in March 1997 of a head of Shiva by the Metropolitan Museum of Art in New York to the Cambodian authorities. The Secretariat also pointed out the importance of the organization, in cooperation with the various national committees of UNESCO and in close collaboration with ICOM, of regional or national seminars on illegal trafficking in countries victims of such practices (Australia in 1986, Thailand in 1992, Hungary and the United Republic of Tanzania in 1993, Mali in 1994, Ecuador in 1995, the Democratic Republic of the Congo in 1996, the Caribbean in 1997, China in 1998).

8. The Secretariat also noted the entry into force of the UNIDROIT Convention, the existence of a training manual for the implementation of the Convention of 1970 (available in English and French; French and Spanish in preparation) and the preparation of a Draft Convention on the protection of the underwater cultural heritage at the request of the General Conference of UNESCO, to be submitted at its next session. It also stressed the importance of bilateral cooperation which had led to various special agreements. In accordance with those agreements, the United States has placed restrictions on the importation of cultural objects from the countries with which agreements had been reached. Since the previous session of the Committee, an agreement had been reached, for example, on 10 April 1997 between the United States and Canada concerning the protection of archaeological and ethnological material representing the culture of the aboriginal peoples of Canada. Finally, the Secretariat recalled the importance of the adoption of an international Professional Code of Ethics for dealers in cultural objects.

VI. Bilateral negotiations on issues of return and restitution

9. The talks began with the two cases pending before the Committee: that of the Parthenon marbles (Greece/United Kingdom) and that of the sphinx of Boguskoy (Turkey/Germany). The Government of Greece submitted to the Intergovernmental Committee a request, dated 4 September 1984 and received by the Secretariat on 24 September 1984, for the return of the Marbles from the Parthenon held in the British Museum. In October 1985, the Government of the United Kingdom refused this request for their return. At its fifth session, in April 1987, the Committee was informed of a proposal to build a new museum in Athens, which would house the Parthenon marbles after their return to Greece. At its subsequent meetings in 1989, 1991, 1994 and 1996, the Committee adopted recommendations with a view to an amicable settlement of the dispute.

10. At the tenth session of the Committee, Greek scientists asked to undertake a mission under UNESCO auspices and to be given access to the Marbles in order to examine their state of conservation. The British Museum hopes to organize an international conference on the cleaning and conservation of the friezes, to which Greece and UNESCO could send an expert, in November 1999. The observer for Greece noted

that in January 1999, the European Parliament had submitted a draft resolution proposing that the Marbles should be returned to Greece in 2004, when the Olympic Games would be held in Athens. Recommendation No. 1 deals with the question of the Parthenon marbles (see appendix I).

11. With respect to the other case pending before the Committee, that of the sphinx of Boguskoy (Turkey/Germany), the Government of Turkey submitted to the Intergovernmental Committee a request, dated January 1986 and received by the Secretariat on 8 April 1987, for return of the sphinx. Following the reunification of the two German States in 1990, the request is currently being dealt with by the German Government and bilateral negotiations are under way. This dispute is the subject of Recommendation No. 2 (see appendix I) in which the Committee invites both parties to continue the negotiations and also invites the Director-General to continue his good offices to resolve this issue.

12. With respect to future action, the Government of Namibia informed the Intergovernmental Committee of its intention to begin intense negotiations with the Government of Germany for the return of the Cape Cross Padrão, currently in the German Historical Museum in Berlin. This limestone cross is three metres tall and was erected on the Skeleton Coast in 1486 by a Portuguese navigator, Diego Cão. It represents the farthest point that he reached during his second voyage of discovery, undertaken, on the orders of King John II, in search of a sea passage around Africa to India. This issue will be on the agenda of future cultural cooperation negotiations between the two States, scheduled for 1999.

VII. Question of the establishment of an international fund to facilitate the restitution of stolen or illicitly exported cultural objects

13. The question of the possible establishment of a special fund to facilitate the return of cultural objects to their country of origin has been raised since the creation of the Committee in 1978 as a result of a 1977 International Council of Museums (ICOM) study, which recommended that such a fund should be established in order to strengthen the Committee's activities. The Committee held several meetings on the topic and, at its eighth session, adopted Recommendation No. 3, in which it invited the Director-General to examine the possibility of establishing an international fund at UNESCO for that purpose.

14. At the tenth session of the Committee, a working group was established under the chairmanship of Italy and in cooperation with the International Institute for the Unification of Private Law (UNIDROIT) in order to consider this matter. The working group was composed of the representatives of Bolivia, Italy, the Netherlands, the Republic of Korea and Rwanda. The Committee ultimately adopted Recommendation No. 6, in which member States decided to establish an international fund financed by voluntary contributions from States and private institutions. The Fund will be used to finance training and education projects. It will not be used to compensate those who engage in smuggling or to cover legal costs.

VIII. Problem of cultural property displaced during the Second World War

15. The States members of the Committee and observers considered the question of the return of cultural property displaced during and after the Second World War. After an introduction of the topic by the Secretariat, the Chairperson opened a discussion in which many delegations took part. They recalled the outcome of the Washington Conference on Holocaust-Era Assets, held in December 1998. In that regard, the majority of delegations proposed that a committee of experts should be established, that the work of UNESCO in this area should be carried out in cooperation with other international institutions and that existing legal instruments should be taken into account. This question is the subject of Recommendation No. 7, in which the Committee invites the Director-General to convene a working group of governmental experts in this field, with the task of preparing a more comprehensive report for the next session of the Committee.

IX. Illicit traffic: cultural heritage in danger

16. The issue of illicit traffic of cultural objects from Iraq was raised, especially in view of the decisions of the United Nations sanctions committee, which prohibits, *inter alia*, the provision of photographic materials to Iraq. Many of the objects stolen from that country are small, and the authorities do not have a sufficiently detailed catalogue, or photographs, of these objects. Without detailed information and photographs, it is difficult to recover an object which has disappeared or been stolen. Furthermore, it is very difficult

to take action because some of the States in which the objects have been resold are not parties to the UNESCO Convention. Accordingly, States should ratify the UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (signed at Paris on 14 November 1970) and the UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects (adopted at Rome on 24 June 1995). Some States submitted a joint recommendation requesting UNESCO assistance in compiling an inventory of objects in Iraqi museums. The Committee ultimately adopted Recommendation No. 8 (see appendix I) in which it invites the Director-General to do his utmost to help in the tracing and returning of the cultural and archaeological objects stolen and smuggled from Iraq.

17. One delegate mentioned the illicit traffic in the north of the island of Cyprus, the mission to the region undertaken by the Council of Europe in 1989 and the report issued in June of that year. Another expert noted that, as a specialized agency of the United Nations system, UNESCO was bound by Security Council resolution 541 (1983) and thus could not undertake a mission to Cyprus. The discussion reflected two different points of view on the protection of cultural property in the north of the island of Cyprus and on the status of the authorities in that region.

18. The question of cultural property in the occupied regions of Azerbaijan, including Nagorny Karabakh, was also raised. The delegates of Armenia and Azerbaijan agreed to send a UNESCO expert mission to study the situation of cultural property in the two countries. The Secretariat stressed that a mission to Baku had been undertaken in 1996, followed by a joint UNESCO/International Committee of the Red Cross (ICRC) mission to Yerevan in 1997. In 1998, funds had been allocated under the Participation Programme for the compilation of an inventory of stolen property in Azerbaijan.

19. Finally, the Secretariat expressed its concern regarding the fate of cultural property in Afghanistan. The representative of the Director-General referred to the various recommendations and appeals made by the Director-General on the matter, and to the many contacts that had been made and meetings that had been organized with non-governmental organizations such as the International Federation of Library Associations and Institutions, the Society for the Protection of the Afghan Heritage and the International Council on Monuments and Sites. On 30 September 1998 a UNESCO meeting had been held with specialists from various disciplines on the subject of the Afghan heritage. It had been proposed that an inventory of that heritage be compiled and published. As a result of that meeting it had been possible to include such cultural property in the International Register for the Memory of the World. The importance of cooperation with the Blue Shield and of support for training had been stressed. At the meeting of the World Heritage Committee, held in Kyoto in December 1998, the Japanese authorities had indicated that they would provide technical and financial support. The Hirayama Foundation had stated that it was prepared to undertake a visit to Afghanistan as soon as the security situation allowed.

X. Importance of cooperation in combating the illicit traffic in cultural property

20. On a number of occasions during the session attention was drawn to the need for cooperation at national and international levels. ICOM congratulated UNESCO on its support in combating the traffic in art objects. The primary role of the International Criminal Police Organization (Interpol), which had been involved since 1947 in stamping out that traffic, was also mentioned, and the importance of the partnership between museum staff, the police and customs personnel was reiterated. A protocol between UNESCO and the World Customs Organization is being signed, as is a cooperation agreement between UNESCO and Interpol.

XI. International Code of Ethics for Dealers in Cultural Property

21. In 1994, UNESCO commissioned a study from a consultant entitled "Feasibility of an international code of ethics for dealers in cultural property in order more effectively to combat the illicit traffic in cultural property" (CLT-94/WS/11). The eighth and ninth sessions of the Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation (Paris, 24-27 May 1994 and 16-19 September 1996) adopted respectively — among other recommendations — Recommendations Nos. 5 and 6 relating to an International Code of Ethics for Dealers in Cultural Property.

22. At the national level, several codes of ethics relating to the acquisition of cultural property have been adopted by many museums in the industrialized countries. They derived from the 1970 Convention and from the ICOM Professional

Code of Ethics, which was adopted in 1986 and which has been translated into more than 20 languages. The adoption of an international code would bring a number of advantages: it would permit harmonization of the various legislative regimes covering the acquisition of cultural property, thus promoting coherence, and would offer dealers who adopted it international recognition through the use of a specific logo. In return, dealers would have to check the legal provenance of objects. Needless to say, adoption of such a code is optional. Codes of ethics have had greater impact since the conclusion of the UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects, article 4 of which states that the acquisition of cultural property from a reputable art dealer voluntarily bound by a code of professional conduct can play an important role in determining whether the possessor has exercised due diligence and establishing entitlement to compensation for an object that has been illegally sold and must be returned.

23. The States declared themselves in favour of the adoption of an international code of ethics for dealers in cultural property in order more effectively to combat the illicit traffic in cultural property by means of a recommendation to be submitted to the next session of the UNESCO General Conference. One delegate was at pains to emphasize that such a code would simplify, for the purchaser, the problem of proving good faith. The Committee adopted Recommendation No. 3 (see appendix I) in which it endorses the code as an international standard, recommends that all member States of UNESCO promote it and encourage its voluntary adoption by art dealers in their respective countries, and invites the Director-General to bring the Recommendation to the attention of the General Conference with a view to its adoption by that body as an international standard of UNESCO.

XII. Information database for identifying art objects

24. Exchanging information, compiling inventories and cooperation are necessary for combating the illicit traffic in cultural property. To that end the General Secretariat of Interpol has developed a new database for art objects: the Automated Search Facility, which at present contains 14,000 objects and integrates text and image. It is a database made by police officers for police officers but it can be consulted by any National Central Bureaux with the necessary technical equipment. A software program called EASYFORM, which is available in English, Spanish and French, has been developed for consulting it.

25. In order to disseminate information relating to artworks which have been stolen from private institutions the Interpol General Secretariat is now developing a CD-ROM which will be available by the end of 1999. It will be updated every two months and will be accessible on subscription. It will contain information which Interpol member States have provided to its General Secretariat and which they are prepared to communicate to the general public as a preventive measure. In accordance with article 4, paragraph 4, of the UNIDROIT Convention, in determining whether the possessor exercised due diligence, regard shall be had, among other things, to whether any register of stolen cultural objects was consulted.

26. The importance of harmonizing the information databases of existing national police forces and of cooperation was also underlined during the meeting. Italy (Library for the Inventory of Cultural Objects) has offered to collaborate on the inventory and information databases. According to Interpol, it is not necessary to create a new database. There is already one which has been approved by 177 States. On the other hand, its compatibility with existing national databases should be examined. This matter was the subject of Recommendation No. 4 (see appendix I) in which the Committee invites Member States to cooperate and share their experience and the Director-General to encourage links between existing databases of stolen cultural property.

XIII. Adoption of "Object-ID" as an international standard

27. The "Object-ID" project, coordinated by the Getty Information Institute, was the fruit of collaboration between UNESCO, the Organization for Security and Cooperation in Europe, the Council of Europe, the European Union, ICOM, Interpol and the United States Information Agency, which is responsible for implementing the 1970 Convention in the United States of America. The Getty Information Institute submitted the "Object-ID" standard to the Committee as an international standard intended to simplify and rationalize the description of art objects and antiquities with a view to finding stolen property. It has been developed with the assistance of museums, organizations responsible for administering the cultural heritage, police services and customs authorities, art and antique dealers and experts, and insurance companies.

28. Documentation is of crucial importance in the protection of cultural property because in the absence of a precise description and photos, the legitimate owners find it difficult to recover it. "Object-ID" is the indispensable

cornerstone of information networks. It provides the basic data necessary on the property in question, a simple and precise description making it possible to find it. It constitutes a remarkable contribution to efforts to fight illicit traffic in cultural property. Moreover, it is a simple and quick way of circulating information. "Object-ID" is in no way intended to replace other existing standards or national, museum and police inventories that are richer and more detailed. It is intended specifically to facilitate the rapid and immediate registration of basic or minimal data essential for identifying and finding art objects on the world market.

29. This question is the subject of Recommendation No. 5 (see annex I), in which the Committee thanks the Getty Information Institute and other organizations, governmental bodies and private entities for participating in the elaboration of the project known as International Core Documentation Standards for the Protection of Cultural Objects. In the same Recommendation, the Committee endorses "Object-ID" as the international standard for recording minimal data on movable cultural property, and invites the Director-General to bring the Recommendation to the attention of the General Conference and to recommend that all UNESCO member States adopt "Object-ID" and use it to the fullest extent possible for identification of stolen or illegally exported cultural property and international exchange of information on such property.

XIV. International competition to promote the 1970 Convention

30. The idea of creating a logo for the 1970 UNESCO Convention originated three years ago at the meeting in Valencia sponsored by the Forum "University and Heritage". UNESCO had solicited proposals for different logos. The Savannah College of Art and Design agreed to finance the operation by proposing to hold an international poster competition and to collaborate in developing a logo. One hundred and eighty-nine students from 29 different countries took part in the projects for promoting the 1970 Convention. The participants at the meeting had time to admire the logos and posters submitted. The Secretariat has noted the views expressed by the members of the Committee and intends to continue discussions with the Savannah College of Art and Design. The Committee thanked the College and Canada for their respective contributions to this project. The results will be announced at the thirtieth session of the General Conference in October-November 1999.

XV. Presentations and documentaries on illicit traffic and the restitution of art objects

31. At the meeting, the delegates saw a number of documentaries:

(a) AFRICOM, a programme for ensuring the security of African museums that led to the writing of a standards manual, was the subject of a video;

(b) Interpol presented its database (Automated Search Facility) that lists 14,000 objects to date and its EASYFORM software that allows the user to draw on the Interpol database. A CD-ROM on stolen artworks will be available at the end of 1999;

(c) Claude Jacques presented a slide show on the plunder of the temple of Banteay Chmar in north-west Cambodia;

(d) There were also two documentaries from Reuters and the BBC respectively about the workshop on illicit traffic in China (June 1998);

(e) Slides on the restitution of the Coroma textiles (Bolivia) and the work of Cristina Bubba Zamora were shown;

(f) A film on the destruction of cultural property in Azerbaijan was shown.

XVI. Date and place of the eleventh session of the Committee

32. Two invitations were before the Committee for its eleventh session in 2001: Baku and Phnom Penh. The Secretariat wishes to convey its thanks to Azerbaijan and Cambodia for their hospitality. The members of the Committee asked the Director-General to discuss the matter with the two States concerned.

XVII. Adoption of recommendations

33. The proposed recommendations were submitted and considered one by one. After discussing the amendments proposed by several members, and after accepting some of them, the Committee adopted the recommendations which appear in appendix I of this report.

XVIII. Closure of the session

34. The Chairperson thanked the participants for their cooperation and their contribution to the Committee's work and declared the tenth session closed.

Appendix I

Recommendations

[Original: English]

Recommendation No. 1

The Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in case of Illicit Appropriation,

Expressing its concern for the resolution of the issue of the Parthenon marbles,

Noting the efforts of the Director-General to undertake initiatives for the promotion of bilateral negotiations between the two member States,

1. *Invites* the Director-General to undertake further initiatives to promote bilateral negotiations between the two member States;

2. *Also invites* the Director-General to contribute, through the expert consultative bodies to the United Nations Educational, Scientific and Cultural Organization, to the international scientific debate on the conservation of the Parthenon marbles;

3. *Notes* that international conferences and seminars will be held in Washington (February 1999), London (British Museum, November 1999), Athens (December 1999) and elsewhere concerning the Parthenon marbles, including their conservation;

4. *Invites* the Director-General to report back to the Committee at its eleventh session on the result of these discussions.

Recommendation No. 2

The Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in case of Illicit Appropriation,

Recalling the request of Turkey to Germany for the return of the sphinx of Boguskoy from the Berlin Museum,

Noting the legal and cultural arguments that have been made by both States concerned over a number of years,

Recalling the previous Recommendation No. 2 adopted by the Committee on this question at its sixth session,

Aware of the continuing concern of the Turkish authorities for the resolution of its claim for the sphinx,

Noting that the 7,400 cuneiform tablets that were part of the original request of 1987 of Turkey to the German Democratic Republic were returned,

Expressing the hope that the pending Turkish request with regard to the sphinx will be solved through bilateral negotiations,

Noting the fact that bilateral contacts have taken place on this matter,

1. *Invites* both parties to continue these contacts in order to exchange information on documentation with a view to bringing this issue to a conclusion;

2. *Invites* the Director-General to continue his good offices to resolve this issue.

Recommendation No. 3

The Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in case of Illicit Appropriation,

Recalling Recommendation No. 5 of the Committee's eighth session and Recommendation No. 6 of the Committee's ninth session, respectively, on the draft international code of ethics for art dealers,

Stressing the role of art dealers and the licit art trade in the fight against illicit traffic in cultural property,

Emphasizing the supplementary role of voluntary codes of ethics in regulating the art market,

Thanking States that provided the Committee with their views on the code,

1. *Endorses* this International Code of Ethics for Dealers in Cultural Property as an international standard for such a code of ethics for dealers trading in cultural objects;

2. *Recommends* that all member States of the United Nations Educational, Scientific and Cultural Organization promote this Code and encourage the voluntary adoption of this Code by art dealers in their respective countries;

3. *Invites* the Director-General to bring this recommendation to the attention of the General Conference with a view to its adoption by that body as an international standard of the United Nations Educational, Scientific and Cultural Organization.

Recommendation No. 4

The Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in case of Illicit Appropriation,

Recalling the recommendation of the International Workshop on the Protection of Artistic and Cultural Patrimony, held at Courmayeur, Aosta Valley, Italy, from 25 to 27 June 1992, related to the improvement of information exchange and establishment of data banks,

Recalling also Recommendation No. 1 of the Committee's eighth session, which, among other things, called on all member States to cooperate in exchanging information on the cultural objects to be recovered,

Noting the substantial development in the field of databases of stolen cultural property that has taken place since the adoption of the Courmayeur Charter,

Recognizing the fruitful contribution of several expert meetings on databases of stolen cultural property, in particular that of November 1996 held in Prague, which contributed to the creation of a working group to continue the further advance of cooperation,

Acknowledging the follow-up work of the meetings held in Washington (November 1997) and Lyon (September 1998),

Especially conscious of the need to establish, develop and update such databases, as well as inventories of stolen cultural property, as basic and indispensable tools for the tracing of property,

Noting with satisfaction the practical results achieved by a number of countries in the use of databases of stolen cultural property,

1. *Invites* those member States with a substantial record in the development of such databases to share their experience with other States less advanced in this field;

2. *Invites* the Director-General to encourage links between existing databases of stolen cultural property;

3. *Also invites* the Director-General to continue to follow closely developments in this field and to provide the thirtieth session of the General Conference with an update on this matter.

Recommendation No. 5

The Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in case of Illicit Appropriation,

Emphasizing the role of a core documentation standard for the identification of cultural objects with a view to combating illicit traffic in cultural property,

Having studied "Object-ID" as such a core documentation standard, which in no way replaces more detailed documentation standards or databases that already exist,

Noting the potential of the "Object-ID" in combating art theft and illegal export of cultural property,

1. *Thanks* the Getty Information Institute and other organizations, governmental bodies and private entities for participating in the elaboration of the project "International Core Documentation Standards for the Protection of Cultural Objects";

2. *Endorses* "Object-ID" as the international standard for recording minimal data on movable cultural property;

3. *Invites* the Director-General to bring this recommendation on "Object-ID" to the attention of the General Conference and to recommend that all member States of the United Nations Educational, Scientific and Cultural Organization adopt "Object-ID" and use it, to the fullest extent possible, for identification of stolen or illegally exported cultural property and international exchange of information on such property.

Recommendation No. 6

The Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in case of Illicit Appropriation,

Conscious of the functions confided to it by virtue of article 4 of its statute,

Taking note of the relevant resolutions adopted by the United Nations General Assembly that invite the United Nations Educational, Scientific and Cultural Organization, especially since 1975, to promote international cooperation necessary for the adoption by member States of practical measures for the protection of their cultural property from illicit traffic,

Recalling that the recommendations already adopted at its eighth (Recommendation 3) and ninth (Recommendation 5) sessions invited the Director-General of the United Nations Educational, Scientific and Cultural Organization to examine as a priority the possibility of establishing an international fund to facilitate the restitution of stolen or illicitly exported cultural property, to report to member States and to undertake an international consultation on this subject so as to allow the Committee to express its views on the establishment of the fund at its tenth session,

Noting the relevant resolution adopted by the General Conference of the United Nations Educational, Scientific and Cultural Organization at its twenty-ninth session (resolution 29/20, paragraph 2.a (c)),

Noting the report made to the Committee by the secretariat and the observations made by the members of the Committee, by observers and by the intergovernmental and non-governmental organizations during the tenth session of the Committee,

1. *Considers* that the lack of available resources remains an important obstacle to the realization of an effective strategy against the dispersal of cultural objects by illicit traffic;

2. *Considers* that training and the improvement of museum systems are key elements in this strategy and are within the institutional tasks of the United Nations Educational, Scientific and Cultural Organization;

3. *Reiterates* the need to establish within the United Nations Educational, Scientific and Cultural Organization a fund to support the member States in their efforts to fight the illicit traffic of their cultural property;

4. *Proposes* that the fund, entitled "Fund of the Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in case of Illicit Appropriation", be established by voluntary contributions and administered according to the model of the International Programme for the Development of Communication by providing a special account and funds in trust;

5. *Proposes* that, to ensure effective implementation of article 4 of its statute (especially paragraphs 2, 3, 4, 5 and 6) the resources of the available Fund be destined for particular projects to be evaluated within the Committee by the members States of the United Nations Educational, Scientific and Cultural Organization in priority areas such as training and the strengthening of museum systems;

6. *Invites* the General Conference of the United Nations Educational, Scientific and Cultural Organization to give high priority to training activities, to the strengthening of museum systems in developing countries and to allocate additional resources to the activities proposed by the Committee and adequate support to its secretariat;

7. *Invites* the Director-General to promote an international campaign of sensitization to put this recommendation into effect.

Recommendation No. 7

The Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in case of Illicit Appropriation,

Noting with concern that a large number of disputes concerning cultural heritage displaced during the Second World War have remained unsettled,

Acknowledging that such disputes hamper political and cultural cooperation among the States concerned,

Stressing the paramount importance of bilateral negotiations among the States concerned,

Acknowledging the important role of principles for the resolution of disputes concerning cultural heritage displaced during the Second World War,

Stressing the importance that museums, auction houses and collectors ascertain the provenance of cultural objects,

Stressing the important role the United Nations Educational, Scientific and Cultural Organization can play by providing a neutral forum for the highly sensitive discussions in this field,

Invites the Director-General to convene a working group of experts in this field, with the task of preparing a more comprehensive report for the next session of the Committee.

Recommendation No. 8

The Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in case of Illicit Appropriation,

Aware of the gravity and the scale of the illicit and clandestine traffic of cultural objects from Iraq,

Recalling Recommendation No. 7 adopted by the Committee at its ninth session,

Invites the Director-General to do his utmost to help in the tracing and returning of the cultural and archaeological objects stolen and smuggled from Iraq.

Recommendation No. 9

The Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in case of Illicit Appropriation,

Recalling the wishes expressed during the workshops organized by the United Nations Educational, Scientific and Cultural Organization Forum University and Heritage, held in Valencia (Spain, 1996) and Melbourne (Australia, 1998), to encourage young people to participate to a greater extent in the fight against the illicit traffic of cultural objects and in the safeguarding of cultural heritage,

Noting that the population of Africa and many other countries is composed primarily of young people,

Stressing the importance of sensitizing the younger generation to the protection of their environment and cultural heritage,

1. *Calls upon* youth to be mobilized against the destruction of heritage and against illicit traffic;

2. *Invites* the United Nations Educational, Scientific and Cultural Organization to support the organization of sensitization and educational seminars and conferences specially designed for young people in the different regions of Africa.

Appendix II

[Original: French]

Draft resolution

The Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in case of Illicit Appropriation decided, at its tenth session, held at the headquarters of the United Nations Educational, Scientific and Cultural Organization from 25 to 28 January 1999, to recommend to the General Conference the adoption of the following resolution:

The General Conference,

Having considered the final report and the recommendations adopted by the Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in case of Illicit Appropriation at its tenth session,

Recalling the mandate conferred on the United Nations Educational, Scientific and Cultural Organization under its Constitution to work for the protection of the world's heritage,

Concerned at the upsurge in the illicit traffic in cultural property due to the opening of frontiers, poverty and the expansion of the art market,

Emphasizing the importance of the fight against this illicit traffic, as well as the work and the efforts undertaken by the secretariat to combat it,

Noting the recognition of the International Code of Ethics and "Object-ID" by the governing bodies of other international organizations,

1. *Invites* the Director-General to promote the International Code of Ethics and "Object-ID" as professional standards presented by the United Nations Educational, Scientific and Cultural Organization, in accordance with the Committee's Recommendation No. 3 and Recommendation No. 5;

2. *Recommends* that all States members of the United Nations Educational, Scientific and Cultural Organization should encourage the voluntary adoption of this Code by art dealers in their respective countries, and that they should use and promote "Object-ID";

3. *Invites* the Director-General to support the efforts undertaken by States and various institutions to harmonize the computer databases on stolen cultural objects, in accordance with the Committee's Recommendation No. 4;

4. *Encourages* States with experience in the development of computer databases to share their knowledge and technology with States less advanced in this field;

5. *Invites* the Director-General to establish within the United Nations Educational, Scientific and Cultural Organization a fund entitled "Fund of the Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in case of Illicit Appropriation", which will be:

(a) Financed by voluntary contributions and administered according to the model of the Fund of the International Programme for the Development of Communication by providing for the establishment of a special account, in accordance with the Committee's Recommendation No. 6;

(b) Intended to finance specific projects submitted to the Committee;

6. *Invites* the Director-General to make an appeal for funds to this end;

7. *Also invites* the Director-General to give high priority to training activities, to the strengthening of museum systems in developing countries and to allocate additional resources to the activities proposed by the Committee and adequate support to its secretariat.

Note to the draft resolution: comments of the Director-General on the creation of a fund

1. The programme of return and restitution of cultural property is hampered by lack of adequate funding for actual returns, training and inventory-making. The creation of a fund has been proposed by the Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in case of Illicit Appropriation to the General Conference since 1994.

2. The present proposal would result in a pooled fund that could receive contributions from any source. The Director-General notes that the draft resolution has been slightly modified from the text of Recommendation No. 6 of the Committee since the International Programme for the Development of Communication is not a fund in trust, but a special account.

3. The Director-General is in favour of such a supplement to the regular programme for this activity.